

HOUSE BILL No. 1054

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-20-16.

Synopsis: Alcoholic beverage permits in or near historic districts. Provides that a restaurant located not more than 1,000 feet (instead of 500 feet) from a historic district is eligible for a permit to sell alcoholic beverages without regard to the permit quota. Provides that not more than ten permits issued to restaurants within or not more than 1,000 feet from a historic district may be active at any time.

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Public Policy.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1054



A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-3-20-16, AS AMENDED BY P.L.10-2010,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 16. (a) A permit that is authorized by this section
4 may be issued without regard to the quota provisions of IC 7.1-3-22.

5 (b) The commission may issue a three-way permit to sell alcoholic
6 beverages for on-premises consumption only to an applicant who is the
7 proprietor, as owner or lessee, or both, of a restaurant facility in the
8 passenger terminal complex of a publicly owned airport. A permit
9 issued under this subsection shall not be transferred to a location off
10 the airport premises.

11 (c) The commission may issue a three-way, two-way, or one-way
12 permit to sell alcoholic beverages for on-premises consumption only to
13 an applicant who is the proprietor, as owner or lessee, or both, of a
14 restaurant within a redevelopment project consisting of a building or
15 group of buildings that:

- 16 (1) was formerly used as part of a union railway station;
- 17 (2) has been listed in or is within a district that has been listed in



1 the federal National Register of Historic Places maintained
 2 pursuant to the National Historic Preservation Act of 1966, as
 3 amended; and

4 (3) has been redeveloped or renovated, with the redevelopment or
 5 renovation being funded in part with grants from the federal,
 6 state, or local government.

7 A permit issued under this subsection shall not be transferred to a
 8 location outside of the redevelopment project.

9 (d) The commission may issue a three-way, two-way, or one-way
 10 permit to sell alcoholic beverages for on-premises consumption only to
 11 an applicant who is the proprietor, as owner or lessee, or both, of a
 12 restaurant:

13 (1) on land; or

14 (2) in a historic river vessel;

15 within a municipal riverfront development project funded in part with
 16 state and city money. A permit issued under this subsection may not be
 17 transferred.

18 (e) The commission may issue a three-way, two-way, or one-way
 19 permit to sell alcoholic beverages for on-premises consumption only to
 20 an applicant who is the proprietor, as owner or lessee, or both, of a
 21 restaurant within a renovation project consisting of a building that:

22 (1) was formerly used as part of a passenger and freight railway
 23 station; and

24 (2) was built before 1900.

25 The permit authorized by this subsection may be issued without regard
 26 to the proximity provisions of IC 7.1-3-21-11.

27 (f) The commission may issue a three-way permit for the sale of
 28 alcoholic beverages for on-premises consumption at a cultural center
 29 for the visual and performing arts to a town that:

30 (1) is located in a county having a population of more than four
 31 hundred thousand (400,000) but less than seven hundred thousand
 32 (700,000); and

33 (2) has a population of more than twenty thousand (20,000) but
 34 less than twenty-three thousand (23,000).

35 (g) ~~After June 30, 2005,~~ The commission may issue not more than
 36 ten (10) new three-way, two-way, or one-way permits to sell alcoholic
 37 beverages for on-premises consumption to applicants, each of whom
 38 must be the proprietor, as owner or lessee, or both, of a restaurant
 39 located within a district, or not more than ~~five hundred (500)~~ **one**
 40 **thousand (1,000)** feet from a district, that meets the following
 41 requirements:

42 (1) The district has been listed in the National Register of Historic

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1 Places maintained under the National Historic Preservation Act
2 of 1966, as amended.

3 (2) A county courthouse is located within the district.

4 (3) A historic opera house listed on the National Register of
5 Historic Places is located within the district.

6 (4) A historic jail and sheriff's house listed on the National
7 Register of Historic Places is located within the district.

8 The legislative body of the municipality in which the district is located
9 shall recommend to the commission sites that are eligible to be permit
10 premises. The commission shall consider, but is not required to follow,
11 the municipal legislative body's recommendation in issuing a permit
12 under this subsection. An applicant is not eligible for a permit if, less
13 than two (2) years before the date of the application, the applicant sold
14 a retailer's permit that was subject to IC 7.1-3-22 and that was for
15 premises located within the district described in this section or within
16 ~~five hundred (500)~~ **one thousand (1,000)** feet of the district. A permit
17 issued under this subsection shall not be transferred. **The total number**
18 **of active permits issued under this subsection may not exceed ten**
19 **(10) at any time.** The cost of an initial permit issued under this
20 subsection is six thousand dollars (\$6,000).

21 (h) The commission may issue a three-way permit for the sale of
22 alcoholic beverages for on-premises consumption to an applicant who
23 will locate as the proprietor, as owner or lessee, or both, of a restaurant
24 within an economic development area under IC 36-7-14 in:

25 (1) a town with a population of more than twenty thousand
26 (20,000); or

27 (2) a city with a population of more than twenty-seven thousand
28 (27,000) but less than twenty-seven thousand four hundred
29 (27,400);

30 located in a county having a population of more than ninety thousand
31 (90,000) but less than one hundred thousand (100,000). The
32 commission may issue not more than five (5) licenses under this
33 section to premises within a municipality described in subdivision (1)
34 and not more than five (5) licenses to premises within a municipality
35 described in subdivision (2). The commission shall conduct an auction
36 of the permits under IC 7.1-3-22-9, except that the auction may be
37 conducted at any time as determined by the commission.
38 Notwithstanding any other law, the minimum bid for an initial license
39 under this subsection is thirty-five thousand dollars (\$35,000), and the
40 renewal fee for a license under this subsection is one thousand three
41 hundred fifty dollars (\$1,350). Before the district expires, a permit
42 issued under this subsection may not be transferred. After the district

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1 expires, a permit issued under this subsection may be renewed, and the
 2 ownership of the permit may be transferred, but the permit may not be
 3 transferred from the permit premises.

4 (i) After June 30, 2006, the commission may issue not more than
 5 five (5) new three-way, two-way, or one-way permits to sell alcoholic
 6 beverages for on-premises consumption to applicants, each of whom
 7 must be the proprietor, as owner or lessee, or both, of a restaurant
 8 located within a district, or not more than five hundred (500) feet from
 9 a district, that meets all of the following requirements:

10 (1) The district is within an economic development area, an area
 11 needing redevelopment, or a redevelopment district as established
 12 under IC 36-7-14.

13 (2) A unit of the National Park Service is partially located within
 14 the district.

15 (3) An international deep water seaport is located within the
 16 district.

17 An applicant is not eligible for a permit under this subsection if, less
 18 than two (2) years before the date of the application, the applicant sold
 19 a retailers' permit that was subject to IC 7.1-3-22 and that was for
 20 premises located within the district described in this subsection or
 21 within five hundred (500) feet of the district. A permit issued under this
 22 subsection may not be transferred. If the commission issues five (5)
 23 new permits under this subsection, and a permit issued under this
 24 subsection is later revoked or is not renewed, the commission may
 25 issue another new permit, as long as the total number of active permits
 26 issued under this subsection does not exceed five (5) at any time. The
 27 commission shall conduct an auction of the permits under
 28 IC 7.1-3-22-9, except that the auction may be conducted at any time as
 29 determined by the commission.

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